

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

<b>PRESCIOUS JOHNSON</b>	)	<b>CASE NO.</b>
<b>3679 W. 140th Street, Up</b>	)	
<b>Cleveland, Ohio 44111</b>	)	
	)	<b>JUDGE:</b>
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>CITY OF LAKEWOOD</b>	)	<b><u>COMPLAINT</u></b>
<b>12650 Detroit Ave.</b>	)	<b><u>WITH JURY DEMAND</u></b>
<b>Lakewood, Ohio 44107</b>	)	
	)	
<b>and</b>	)	
	)	
<b>CITY OF LAKEWOOD</b>	)	
<b>POLICE DEPARTMENT</b>	)	
<b>12650 Detroit Ave.</b>	)	
<b>Lakewood, Ohio 44107</b>	)	
	)	
<b>and</b>	)	
	)	
<b>SCOTT HARNER</b>	)	
<b>12650 Detroit Ave.</b>	)	
<b>Lakewood, Ohio 44107</b>	)	
	)	
<b>and</b>	)	
	)	
<b>JOHN DOE POLICE OFFICERS</b>	)	
<b>1 THROUGH 5</b>	)	
	)	
<b>Defendants.</b>	)	

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Now comes the Plaintiff, by and through undersigned counsel, Eric D. Hall, and for her Complaint state as follows:

1. Plaintiff Prescious Johnson, (hereinafter referred as "Plaintiff") is a resident of the City of Cleveland, County of Cuyahoga and State of Ohio. Plaintiff is an African American female.
2. Defendant City of Lakewood is a city located in Cuyahoga County, State of Ohio.
3. Defendant City of Lakewood Police Department is a department of the Defendant City of Lakewood.
4. Defendant Scott Harner (Hereinafter referred as "Defendant Harner") is a police officer employed by Defendants City of Lakewood and City of Lakewood Police Department.
5. Defendants Joe Doe Police Officers 1 through 5 are those police officers employed by Defendants City of Lakewood and City of Lakewood Police Department who responded along with Defendant Harner to Plaintiffs' residence in the City of Lakewood.
6. That on or about February 19, 2018, Plaintiff was at her home at 1365 Clarence Ave., Apt. 109 in the City of Lakewood, Ohio.
7. That, while Plaintiff was at home, Defendant Harner and Defendant John Doe Police Officers 1 through 5 employed by the Defendant City of Lakewood and Defendant City of Lakewood Police Department arrived at Plaintiff's home regarding a phone call from Plaintiff's then boyfriend Clifford Brown Jr. to help or supervise him moving his belongings from Plaintiff's home. Plaintiff did not call the police. There was no fight, altercation, police emergency or any reason for the Defendants to be at Plaintiff's home.
8. Clifford Brown Jr. was not an owner, lessee or legal resident at Plaintiff's home.
9. That shortly thereafter, Defendant Harner and Defendants John Doe Police Officers 1 through 5 without probable cause arrested Plaintiff and using excessive force removed Plaintiff from her home. Defendant Harner and Defendants John Doe Police Officers 1

through 5 would not allow Plaintiff to fully dress herself and took her from her apartment to the street in her bra and panties. Plaintiff suffered physical injury, humiliation and embarrassment. This incident was witnessed by Plaintiff's neighbors and videotaped and preserved.

10. Plaintiff was charged with Assault, Resisting Arrest and Obstructing Official Business.
11. That Defendant City of Lakewood, and the other Defendants, had a policy or practice of unlawfully entering person's homes, arresting them without probable cause, and employing excessive force in the process based on their race, specifically African American.
12. That Defendant City of Lakewood and Defendant City of Lakewood Police Department condoned or ratified unlawfully entering person's homes, arresting them without probable cause, and using excessive force in the process by Defendant Harner and Defendants John Doe Police Officers 1 Through 5, based on the person's race, specifically African American.
13. That Defendant City of Lakewood, and the other Defendants, acting under the color of state law deprived Plaintiff of rights, privileges, or immunities guaranteed under federal law or the United States Constitution.
14. Plaintiff suffered damage, injury and loss as a result of Defendants' actions. Defendants' conduct was extreme and outrageous and intended to cause Plaintiff serious emotional distress.

#### **COUNT I**

(Intentional Infliction of Emotional Distress)

15. The allegations of Paragraphs 1 to 14 are herein incorporated by reference.

16. That Defendant City of Lakewood and the other Defendants' actions against Plaintiff resulted in the intentional infliction of emotional distress on Plaintiff.
17. That, as a direct and proximate result of Defendant City of Lakewood and the other Defendants' actions, Plaintiff has suffered injury, damage, and loss.

**COUNT II**

(Violation of 42 U.S.C. Section 1983)

18. As a further and separate cause of action Plaintiff states as follows:
19. The allegations of Paragraphs 1 through 18 are herein incorporated by reference.
20. That Defendant City of Lakewood and the other Defendants' acting under the color of state law deprived Plaintiff of rights, privileges, or immunities guaranteed under federal law or the United States Constitution.
21. That, as a direct and proximate result of Defendant City of Lakewood and the other Defendants' actions, Plaintiff suffered injury, including emotional distress and other damage.

**COUNT III**

(Race Discrimination - Title VII of the Civil Rights Act of 1964)

22. As a further and separate cause of action Plaintiff states as follows:
23. The allegations of Paragraphs 1 through 22 are herein incorporated by reference.
24. That Defendant City of Lakewood and the other Defendants discriminated against Plaintiff because of her race.

25. That, as a direct and proximate result of Defendant City of Lakewood and the other Defendants' actions, Plaintiff suffered injury, including emotional distress and other damages.

WHEREFORE, Plaintiff demands judgment against Defendant City of Lakewood and the other Defendants jointly and severally for compensatory damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000.000), for liquidated/punitive damages as determined at trial, together with reasonable attorney fees, interest according to law and the costs of this action.

Respectfully Submitted,

/s/ Eric D. Hall  
Eric D. Hall, #0067566  
Attorney for Plaintiff  
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Medina, Ohio 44258  
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**JURY DEMAND**

A trial by jury is hereby demanded on all issues so triable by the maximum number of jurors permitted by law.

/s/ Eric D. Hall  
Eric D. Hall, #0067566  
Attorney for Plaintiff